

## **Abstract**

Thesis title: Adoption of persons of full age – evolution and comparison of legislation from the General Civil Code to the Civil Code 2012

This master's thesis focuses on historical evolution of the legal institute of adoption of persons of full age, also known as adoption of an adult or adult adoption. This legal option returned to the Czech family law after more than 60 years of legal history, during which it was prohibited with regard to the former understanding of adoption. The restoration of adult adoption to the Czech legislation was caused by one of the main principles on which the new Civil Code is based, and that is a return to traditional understanding and interpretation of family law within European continental traditions.

The first part of this thesis deals with historical evolution of the legal option to adopt an adult person since the ancient Rome epoch, where this institute came from. The adoption had a totally different purpose compared to these days. It served especially the needs of an adoptive father, who wanted to have a successor of his own kin and heir. Roman law later became a model for legislation in the continental Europe.

Until the middle of the 20<sup>th</sup> century, it was allowed to adopt an adult as well as a minor in the Czechoslovakia. This historical epoch of our family law evolution creates the main theme of the second chapter of the thesis. The third part of the thesis concentrates on that part of our legal history, when the adoption of an adult was forbidden. From 1950 to 2013, the institute of adoption followed the Soviet family law model, which had reduced the purpose of adoption process only to create a complete family as a base unit of the state and to substitute family environment for a minor child.

Next part of the thesis deals with current legal regulation of adoption, because there is again a possibility to adopt an adult person after private law recodification. Although the current provisions governing adult adoption are based on our legislation preceding the Second World War, there are many new purposes and conditions of the adult adoption process due to an important influence of some foreign civil codes.

Last but not least, the thesis gives some suggestions on how to solve some current ambiguous or questionable issues of adult adoption, especially by analysing corresponding case law. Amongst others, it underlines the need of regulation *de lege ferenda* for the adoption of emancipated minors and offers a possibility to inspire our perspective on adult adoption in the USA. In overall, the thesis concludes that the current regulation of adult adoption is decent and more advanced compared to the regulation in the General Civil Code and the Adoption Act before 1950.